

REMARKS

In the Office Action mailed April 1, 2008, the Examiner rejected claim 11. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Claim 11 stands rejected. Applicant disagrees with the rejections. In the interest of advancing prosecution, however, Applicants have amended claim 11 and present the following remarks. Applicants also have added new claims 21-24 to address additional distinguishing features. Basis for the amendment and new claims is found throughout the specification and claims as filed, including but not limited to paragraphs 31, 33, 38, 39 and 45.

As will be seen, the structural interrelationships have been clarified to better assist the Examiner. With regard to the prior art cited, the Examiner's rejections are not believed to be sustainable in view of the present amendments. Foremost, among other distinctions, the implants of Hermes find no ophthalmological application. Moreover, it is cannot be seen how the structures of that patent could be modified to make it an ophthalmological implant, especially a glaucoma drainage shunt, without destroying the functionality of the implants. There is no teaching of any head space to allow for drainage.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

PETITION FOR EXTENSION OF TIME

Applicant respectfully requests and petitions an appropriate extension of time to respond to the outstanding Office Action, of at least one (1) month. Please charge Deposit Account No. 50-1097 in the amount of \$60.00. For any deficiencies, please charge Deposit Account No. 50-1097 for any fee which may be due is hereby given.

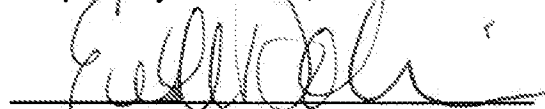
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: July 29, 2008

Respectfully submitted,



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